

REMARKS

The final Office Action dated November 29, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 6, 9-17, 22, 25-33 and 38 are pending in this application. Claims 1, 6, 8-17, 22, 24-33, 38 and 40 stand rejected. Claims 8, 24 and 40 have been canceled.

Applicant acknowledges the Examiner's indication that Claims 1, 6, 8-17, 22, 24-33, 38 and 40 would be allowable if rewritten or amended to overcome the rejections under Section 101 and Section 112 as set forth in the Office Action.

Applicant wishes to thank the Examiner for courtesies extended to the Applicant's representative during a telephone interview conducted on January 23, 2007. During the interview, the undersigned representative and the Examiner discussed proposed amendments to the independent claims to overcome the pending claim rejections under 35 U.S.C. §§ 101 and 112. The Examiner agreed that the above amendment should overcome the pending claim rejections.

The rejection of Claims 1, 6, 8-17, 22, 24-33, 38 and 40 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter is respectfully traversed.

The Examiner asserts at pages 2-3 of the Office Action that independent Claims 1, 17 and 33 are "directed towards non-statutory subject matter because it lacks tangibility." Independent Claims 1, 17 and 33 have been amended to include, inter alia, the steps of updating the delivery agent capacity utilization matrix for the specified period in the electronic manifest, predicting the capacity utilization of the goods delivery system for a time frame based on the workload value for each delivery date of a predetermined number of days preceding the time frame, and storing the predicted capacity utilization of the goods delivery system for the time frame in the electronic manifest. Applicant respectfully submits that updating an electronic manifest, predicting the capacity utilization, and storing the predicted capacity utilization in an electronic manifest provides a tangible result.

Accordingly, for at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 1, 6, 8-17, 22, 24-33, 38 and 40 be withdrawn.

The rejection of Claims 1, 6, 8-17, 22, 24-33, 38 and 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is respectfully traversed. Claims 1, 17 and 33 have been amended to address the issues raised by the Examiner at pages 3-5 of the Office Action.

For at least the reasons set forth above, Applicant respectfully requests that the Section 112 rejections of Claims 1, 6, 8-17, 22, 24-33, 38 and 40 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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